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DATE FILED: 5/26/10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PELICAN EQUITY, LLC,

Plaintiff,

- against -

ROBERT V. BRAZELL, STEPHEN L.
NORRIS, TALOS PARTNERS, LLC,
RAMA RAMACHANDRAN, DARL McBRIDE,
and BRYAN CAVE LLP,

Defendants.
-----X

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

ORDER

09 Civ. 5927(NRB)

WHEREAS the Court held oral argument on three motions to dismiss on May 20, 2010; and

WHEREAS at the argument the Court raised threshold issues concerning its subject matter jurisdiction; and

WHEREAS the parties requested, and were afforded, the opportunity to submit briefing on those threshold issues; and

WHEREAS the Court cannot properly decide the pending motions prior to resolving the issue of its subject matter jurisdiction; it is hereby

ORDERED that the respective motions to dismiss filed by defendants Darl McBride (Dkt. No. 26) and Bryan Cave (Dkt. No. 31), as well as plaintiff's motion to dismiss the Talos Defendants' counterclaim (Dkt. No. 38) are each denied without prejudice to being refiled, if appropriate, upon a new notice of motion

supported by the existing papers, after the Court's adjudication of the subject matter jurisdiction issues.

Dated: New York, New York
May 26, 2010


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Copies of the foregoing Order have been mailed on this date to the following:

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